

U.S. Serial No. 10/822,663

KAS-204

Amendment

Responsive to Office Action dated May 18, 2009

REMARKS**Pending Claims**

Claims 12, 21, 23-26 remain pending. Claims 1-11, 13-20 and 22 have been canceled without prejudice or disclaimer. Claims 12, 23, 24 and 26 have been amended. No new matter has been added.

Drawings

The drawings are objected to under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. Claim 12 has been amended to delete the phrase "identifying unit" and "information storing section" to ensure consistence with the disclosure and drawings. Accordingly, no changes to the drawings are required and the drawing objections should be withdrawn.

Specification

The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claim 12 has been amended and proper antecedent basis is provided in the Specification for the claimed subject matter. Accordingly, the objection should be withdrawn.

Claim Rejections Under 35 U.S.C. §112

Claims 12 and 20-26 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

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Claims 12 and 20-26 are rejected under 35 U.S.C. §112, second paragraph, as being as being indefinite for failing to particularly point out and distinctly claim the invention.

Claim 12, from which claims 21 and 23-26 depend from, has been amended to be written in compliance with 35 U.S.C. §112, first paragraph and second paragraph, and therefore the rejection is overcome. Claims 20 and 22 have been canceled without prejudice or disclaimer. Accordingly, the rejections should be withdrawn.

Interview Summary

Applicants extend their appreciation to the Examiner for granting a telephone interview on September 9, 2009. In the interview, it was discussed that claims 20 and 22 would be canceled and the subject matter of these claims would be incorporated in claim 12. Applicants have amended claim 12 in the manner proposed in the interview. Further, in response to the Examiner's comments regarding the timing of the deployment of the cover with respect to the second dispensing operation, Applicants have claimed that the cover is configured to prevent a sample container from being taken out of the sample container disk from the time the information reader again performs the reading of information recorded in the information recording medium until after the second sample dispensing operation of the sample dispensing mechanism. Accordingly, claim 12 should be patentable over the art of record as amended.

Claim Rejections Under 35 U.S.C. §103

Claims 12 and 20-21 are rejected under 35 U.S.C. §103(a) as unpatentable over JP No. 10-019899 to Susumu et al, in view of Ishikawa et al, U.S. Patent Publication No. 2002/0064481.

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Applicants request reconsideration of the rejection in view of the foregoing amendments. Applicants have amended claim 12 to more clearly describe that which applicants regard as the invention. In particular, the subject matter of claims 20 and 22, which have been canceled without prejudice or disclaimer, has been added. Additionally, the issues noted in the Interview Summary dated September 9, 2009 have been addressed and clarified in accordance with the Examiner's suggestions.

Accordingly, claims 12, 21 and 23-26 as amended, are patentable over the art of record and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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